

REMARKS / DISCUSSION OF ISSUES

Claims 1-23 are pending in the application.

Claims 2 and 13 are canceled herein. Claims 3-11 and 14-22 are objected to.

Claim Objections

On page 2 of the non-final Office Action claims 3-11 and 14-22 are objected to because of improper multiple dependent claim form and were not examined on the merits. The non-final Office Action also indicates in paragraph (2.) thereof that claim 23 has not been examined on the merits even though claim 23 was not specifically included in the claim objection under 37 C.F.R. §1.75(c). The Applicants respectfully bring to the Examiner's attention that a preliminary amendment was filed with the application, which amended claims 3-11 and 14-23, and which removed the multiple dependencies in such claims. The claims are not narrowed in scope and no new matter is added. A further non-final Office Action is requested wherein claims 3-11 and 14-23 are examined on the merits. The objection under 37 C.F.R. §1.75(c) to claims 3-11 and 14-22, and the indication that claims 3-11, 14-22 and 23 include improper multiple dependent claim form, are improper in view of the preliminary amendment of record.

35 U.S.C. §112 rejection

On page 2 of the non-final Office Action claim 13 is rejected under 35 U.S.C. §112 second paragraph because of insufficient antecedent basis for the limitation "system according to claim 1." Applicants note that the Examiner's assumption that the applicants meant "system according to claim 12" is correct as it is an obvious typographical error. Claim 13 has been canceled and is incorporated into base claim 12.

Typographical error

Claim 22 incorrectly depends on claim 24. The applicants have corrected this obvious typographical error (there is no claim 24) so that claim 22 depends correctly on claim 14.

35 U.S.C. §102 rejection

On pages 2-4 of the non-final Office Action claims 1-2 and 12-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Messerges *et al.* (US Pat. Pub. No. US2002/0157002 A1).

Applicants have amended independent claim 1 to include the features of dependent claim 2 and independent claim 12 to include the features of dependent claim 13. Applicants have further amended claims 1 and 12 to more clearly present how the present claimed invention verifies access to content items. No new matter has been added, as this description can be found in the Abstract as well as in other parts of the disclosure. Applicants have also amended dependent claims 3-5, 7-8, 14-16 and 18-19 for consistency and for non-statutory reasons: to correct one or more informalities, remove figure label number(s), and to replace European-style claim phraseology with American-style claim language. Such claims are not narrowed in scope and no new matter has been added.

Messerges *et al.* fails to teach that “access to the at least one content item (C1, C2, ..., CN₂) is obtained by verifying that the at least one content item (C1, C2, ..., CN₂) and the at least one user (P1, P2, ..., PN₁) are linked to the same domain identifier (Domain_ID) **or** by verifying that the at least one device (D1, D2, ..., DM) and the at least one content item (C1, C2, ..., CN₂) are linked to the same domain identifier (Domain_ID).”

Messerges *et al.* teaches away from the enhanced flexibility claimed by the present invention, in that rather than verifying that a user and a content item are linked to the same domain identifier, Messerges *et al.* teaches that the user adds “a device to an existing domain ... [wherein] the user is queried for the name and password of the existing domain ... the domain authority adds the user device to the domain.” [paragraph 0069]

Messerges *et al.* has a user to add a user device and fails to teach the claimed present invention wherein access is also provided by verifying that a user and a content item are linked to the same domain identifier to provide access.

A proper rejection of a claim under 35 U.S.C. § 102 requires that a single prior art reference disclose each element of the claim. See, e.g., *W.L. Gore & Assoc., Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303, 313 (Fed. Cir. 1983). Anticipation requires that each and every element of the claimed invention be disclosed in a single prior art reference. See, e.g., *In re Paulsen*, 30 F.3d 1475, 31 USPQ2d 1671 (Fed. Cir. 1994); *In re Spada*, 911 F.2d 705, 15 USPQ2d 1655 (Fed. Cir. 1990).

Alternatively, anticipation requires that each and every element of the claimed invention be embodied in a single prior art device or practice. See, e.g., *Minnesota Min. & Mfg. Co. v. Johnson & Johnson Orthopaedics, Inc.*, 976 F.2d 1559, 24 USPQ2d 1321 (Fed. Cir. 1992). For anticipation, there must be no difference between the claimed invention and the reference disclosure, as viewed by a person of ordinary skill in the field of the invention. See, e.g., *Scripps Clinic & Res. Found. v. Genentech, Inc.*, 927 F.2d 1565, 18 USPQ2d 1001 (Fed. Cir. 1991).

The Office Action fails to provide evidence that each and every element of the claimed invention be disclosed in a single prior art reference. Claims 1-2 and 12-13 are not anticipated by Messerges *et al.* Withdrawal of the rejection of claims 1-2 and 12-13 under 35 U.S.C. §102(e) is respectfully requested.

Claims 3-11 & 23 depend directly or indirectly from allowable claim 1 and are allowable for the reasons that the independent claim is allowable. Claims 14-22 depend directly or indirectly from allowable claim 12 and are allowable for the reasons that the independent claim is allowable.

Conclusion

In view of the foregoing, Applicant respectfully requests that the Examiner withdraw the objection(s) and/or rejection(s) of record, allow all the pending claims, and find the application in condition for allowance. If any points remain in issue that may best be resolved through a personal or telephonic interview, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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